

1 Sheri M. Thome, Esq.
Nevada Bar No. 008657
2 Chad C. Butterfield, Esq.
Nevada Bar No. 010532
3 **WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP**
300 South Fourth Street, 11th Floor
4 Las Vegas, Nevada 89101
(702) 727-1400; FAX (702) 727-1401
5 sheri.thome@wilsonelser.com
chad.butterfield@wilsonelser.com
6 *Attorneys for Defendants*
Kathryn Stryker Wirth, and Jolley Urga
7 *Woodbury & Little aka Jolley Urga Woodbury*
& Standish aka Jolley Urga Wirth & Woodbury

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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 KIMBERLY MOFFATT JONES;

12 Plaintiff,

13 v.

14 KATHRYN STRYKER WIRTH, and JOLLEY
URGA WOODBURY & LITTLE aka JOLLEY
15 URGa WOODBURY & STANDISH aka
JOLLEY URGa WIRTH & WOODBURY,

16 Defendants.
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CASE NO.: 2:16-cv-00243-MMD-GWF

**STIPULATION AND [proposed] ORDER TO
WITHDRAW MOTION TO DISMISS, TO
PERMIT DEFENDANTS TO FILE A
RENEWED MOTION TO DISMISS, AND TO
APPLY DEFENDANTS' PENDING MOTION
TO STAY DISCOVERY TO THE RENEWED
MOTION TO DISMISS**

18 Plaintiff, Kimberly Moffatt Jones ("Plaintiff"), and Defendants, Kathryn Stryker Wirth and
19 Jolley Urga Woodbury & Little aka Jolley Urga Wirth & Woodbury ("Defendants"), by and through
20 their respective counsel, hereby stipulate as follows:

- 21 1. On June 7, 2016, Defendants filed a motion to dismiss Plaintiff's complaint [ECF
22 No. 21].
- 23 2. Plaintiff filed her opposition to the motion to dismiss on June 30, 2016 [ECF No.
24 24].
- 25 3. On July 14, 2016, the Supreme Court of Nevada issued an Order of Affirmance in
26 the appeal of the underlying case.
- 27 4. On July 20, 2016, Defendants filed a reply in support of their motion to dismiss
28 [ECF No. 28] in which Defendants made arguments based on the Order of Affirmance.

1 5. On August 30, 2016, Plaintiff filed a motion for leave to file supplemental
2 opposition to defendants' motion to dismiss [ECF No. 33], and the parties subsequently submitted a
3 stipulation and proposed order to allow supplemental briefing on Defendants' motion to dismiss
4 [ECF No. 38].

5 6. On September 12, 2016, this Court denied the parties' stipulation to allow
6 supplemental briefing on the motion to dismiss, and denied Plaintiff's motion for leave to file
7 supplemental brief, and indicated that

8 [t]o the extent the parties agree that events that transpired after Plaintiff filed
9 her response to the motion to dismiss are relevant to the Court's consideration
10 of the motion to dismiss, the Court will consider a stipulation to permit
11 defendants to withdraw their motion to dismiss and file a renewed motion to
dismiss to avoid multiple briefs and a piecemeal approach that would
otherwise burden the Court and the Parties. [ECF No. 41]

12 7. Through this stipulation, the parties agree that the Nevada Supreme Court's Order of
13 Affirmance is relevant to the Court's determination of Defendants' motion to dismiss. Accordingly,

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1 the parties stipulate and agree to permit Defendants to withdraw their motion to dismiss [ECF No.
2 38] and file a renewed motion to dismiss.

3 DATED this 20th day of September, 2016

4 **WILSON, ELSE, MOSKOWITZ,
5 EDELMAN & DICKER LLP**

6 /s/ Chad C. Butterfield

7 Sheri M. Thome, Esq.
8 Nevada Bar No. 008657
9 Chad C. Butterfield, Esq.
10 Nevada Bar No. 010532
11 300 South Fourth Street, 11th Floor
12 Las Vegas, NV 89101
13 Attorneys for Defendants
14 *Kathryn Stryker Wirth, and Jolley Urga*
15 *Woodbury & Little aka Jolley Urga Woodbury*
16 *& Standish aka Jolley Urga Wirth &*
17 *Woodbury*

18 DATED this 20th day of September, 2016

19 **MAIER GUTIERREZ AYON**

20 /s/ Luis A. Ayon

21 Luis A. Ayon
22 400 South Seventh Street, Suite 400
23 Las Vegas, NV 89101
24 Attorneys for Plaintiff
25 *Kimberly Moffatt Jones*

26 **ORDER**

27 **GOOD CAUSE SHOWN, IT IS SO ORDERED**

28 Dated this 20th day of September, 2016.



UNITED STATES DISTRICT COURT JUDGE